

RECEIVED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

2012 SEP 10 PM 4:24

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

Kimberly Marie Bowser

(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. _____

Valenti Mid South Mgmt
LLC. Please serve Registered Agent
Corp. Services Co.
2908 Poston Ave Nashville, TN 37203

(Name of defendant or defendants)

John Carl Casare + Jerri Grisham

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Kimberly Marie Bowser
(name of plaintiff)

is a citizen of the United States and resides at 7974 Sandyswood LN
(street address)

Bartlett Shelby TN
(city) (country) (state)

38133 901-489-1597
(zip code) (telephone number)

3. Defendant John Carlosare Terri Grisham
 (defendant's name)
 lives at, or its business is located at 1775 Moriah Woods Blvd. Suite 5
 (street address)
Memphis TN 38117

4. Plaintiff sought employment from the defendant or was employed by the defendant at

(street address)
Memphis Shelby TN 38117
 (city) (country) (state) (zip code)

5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about entire month Sept to Oct 2011

(day) (month) (year)

6. Defendant filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 8th June 2012

(day) (month) (year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 5th June 2012

(day) (month) (year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 18th June 2012. (Attach a copy of the notice to this complaint.)
 (day) (month) (year)

9. Because of plaintiff's (1) ___ race, (2) ___ color, (3) ☒ sex, (4) ___ religion, (5) ___ national origin, defendant X disability X retaliation

(a) ☒ failed to employ plaintiff.

(b) ☒ terminated plaintiff's employment.

(c) ___ failed to promote plaintiff.

(d) I was told to go on disability and being upper management they will pay me until 605 if I can't do just one of the duties of a DM. I was told go on disability + get paid because if you black out again we will most likely terminate you for work performance. I only blacked out twice in 19 years. She said your better off getting paid disability then being fired. They paid me 6 months then said I can do light duty PM work when my doctor did not release me. so I called HR (Terri) + said since they say I can work can I come back + she said we don't have your position open even though they never replaced me.

10. The circumstances under which defendant discriminated against plaintiff were as follows:

Came back from disability after 4 surgeries & had around 3 weeks to complete all the tasks that the DMs did not get done. Had 800 emails, had to learn a new menu, computer, training system, had meetings. When I was out my boss took one of my managers from my store. The DM who was watching it was using overtime. I asked John for 1 hour overtime he said no. The manager asked me why the other DM's were allowed overtime but not you. John would accuse me of my eyes looking funny when I had to get 2 pair of glasses the day before because I had to read hundreds of papers just to do a inspection. The DM Jeron Smart told me to ask John if I could skip a inspection since I did not know all the procedures when I went out they did not have to do one - he got mad & yelled at me for asking & I told him he let the guys (DM's) only have 1 but I had to make sure 2 were done not knowing procedures. John yelled at me in the dining room for asking to switch a new product rollout because he had me at 2 stores the same day & he yelled I said

11. The acts set forth in paragraph 9 of this complaint

(a) ___ are still being committed by defendant.

(b) ☒ are no longer being committed by defendant.

(c) ___ may still be being committed by defendant.

no changes without asking me first. I told him that is what I am doing. I emailed them Oct 3 2011 I was sick but would be at work then blocked out for 15 minutes that day so I went to the & asked for Oct 4 off without pay & told her John was discriminating

12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint. I don't think so. Please see letter there

WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff: was so much.

(a) ___ Defendant be directed to employ plaintiff, or

(b) ___ Defendant be directed to re-employ plaintiff, or

(c) ___ Defendant be directed to promote plaintiff, or;

(d) ☒ Defendant be directed to pay my disability that they promised

They told me they would fire me after the last time

I told the director of H.R. my boss was discriminating against me.

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

13. I would like to have my case tried by a jury. Yes (X) No ()

Kimberly M. Bowser
SIGNATURE OF PLAINTIFF

Dear Judge

I am still disabled from my doctor. I do still black out
+ go 2 days without sleep at least 2 times a week. I
can't take my medicine if I have to go anywhere.
I forget things + get disorganized. I really am sorry
for the mess. I tried for months to have a lawyer
take the case but after losing my disability we lost
almost all our 401 K we had filed bankruptcy + have
no money to pay. I am doing the best I can.
I started getting worse right before my surgeries.

Thank You

Kimberly M. Bowser

I really need a lawyers help. I forget so much +
am in pain constantly.